

ELECTIONS COMMISSION
City and County of San Francisco

Christopher Jerdonek, President
Robin M. Stone, Vice President
Lucy Bernholz
Cynthia Dai
Renita LiVolsi
Vacancy
Vacancy



John Arntz, Director of Elections

Martha Delgadillo, Commission Secretary

REGULAR MEETING MINUTES **DRAFT**
(Approved on XXX)

San Francisco Elections Commission
Wednesday, September 21, 2022
6:00 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
& Remote meeting via WebEx

1. Call to Order & Roll Call

Meeting Called to Order at 6:09 pm

Present: President Christopher Jerdonek, Vice President (VP) Robin Stone, Commissioner Lucy Bernholz, Commissioner Cynthia Dai, and Commissioner Renita LiVolsi. (The seats appointed by the Board of Education and Mayor are vacant.)

Also Present: Director of Elections John Arntz, Deputy City Attorney (DCA) Ana Flores, and Commission Secretary Martha Delgadillo.

It was announced that Vice President Shapiro's new last name is Stone. Welcome also to new Commissioner Renita LiVolsi, who was appointed by Public Defender Mano Raju and sworn in on September 12, 2022.

2. General Public Comment

Brent Turner read into the record a statement he made on September 20, 2022 to the Secretary of State's Office regarding the open source voting system for a pilot program for San Francisco. He also noted that New Hampshire and Missouri were moving ahead with open-source voting.

David Pilpel welcomed Commissioner LiVolsi.

3. Discussion and Possible Action on Resolution on Continuation of Remote Elections Commission Meetings

1 Dr. Carlton B. Goodlett Place – Room 48, San Francisco, CA 94102-4634
Voice (415) 554-4305; Fax (415) 554-7457; TDD (415) 554-4386; <http://sfgov.org/electionscommission>

Commissioner Dai moved to adopt the resolution. Seconded by Commissioner Stone.

**MOTION ON RESOLUTION ON CONTINUATION OF REMOTE ELECTIONS
COMMISSION MEETINGS**

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes

5 Yays 0 Nays 0 Abstain
Motion passes

4. Approval of Minutes of Previous Meetings

VP Stone moved to approve the draft minutes for the July 20, 2022 meeting with the proposed revisions by Commissioner Dai. Seconded by Commissioner Dai.

Public Comment

David Pilpel stated that the minutes looked good.

MOTION TO APPROVE THE MINUTES OF THE JULY 20, 2022 MEETING

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes

5 Yays 0 Nays 0 Abstain
Motion passes

5. Election Plan and Public Employee Waiver for the November 8, 2022 Consolidated General Election

Director Arntz highlighted changes from redistricting and re-precincting and also stated that the Department is making every effort to provide equity to incarcerated voters. VP Stone asked for clarification on the processes for incarcerated persons in the State and what it means to cancel the record. She asked about grants, including how recipients are evaluated and chosen. She also asked what has happened in the past concerning voter participation and completing the voter information pamphlet. Director Arntz explained the processes and steps.

Commissioner Bernholz asked Director Arntz if he had a sense of whether there was more interest than usual from the public in serving as poll watchers and workers. Director Arntz said he did not know at this time.

Commissioner Dai asked what the employee waiver is for. DCA Flores gave an explanation. Director Arntz said that it's in the Charter. The Charter requires the Department to obtain a waiver to address past concerns about potential "political taint" of public employees working the election.

DCA Flores stated that the motion to include the elections plan and employee waiver could be combined.

Commissioner Dai moved to approve the elections plan and employee waiver. Seconded by VP Stone.

Public Comment

David Pilpel stated that he feels this plan should be a model for election plans.

MOTION ON ELECTION PLAN AND PUBLIC EMPLOYEE WAIVER FOR THE NOVEMBER 8, 2022 CONSOLIDATED GENERAL ELECTION

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes

5 Yays 0 Nays 0 Abstain
Motion passes

6. Information reported regularly to the Commission

The draft included in the agenda packet was developed based on discussion at the Budget & Oversight of Public Elections Committee (BOPEC) on August 10, 2022. VP Stone asked questions and suggested changes for the following items:

- including the number of Equal Employment Opportunity (EEO) complaints from an equity perspective, perhaps on a quarterly basis.
- under the title of "numbers and/or percent", including information on the subject matter.
- "Number of ballots cast" should indicate the systems impacted and when the ballots were received as opposed to counted.

A conversation ensued between the Commissioners and Director Arntz regarding the time periods for which ballot totals should be broken down in the report. Director Arntz noted that the Department of Elections website posts updates of the number of ballots received prior to Election Day. President Jerdonek stated that the adopted document

could be posted on the Elections Commission website on the documents page.

Public Comment

David Pilpel stated that for a ballot, there is a date for when it is received, as well as dates when processed and counted.

Danielle Deibler, League of Women Voters, stated that it helps to know how early people are voting and how early the ballots are coming in. This helps with scheduling educational events and is vital for planning purposes.

Brent Turner apologized for making comments when his connection was unmuted. He stated this is nonpartisan work.

VP Stone moved to approve the document of information the Commission wants to be reported regularly, pending the minor amendments to be included afterward. Seconded by Commissioner LiVolsi.

MOTION ON INFORMATION REPORTED REGULARLY TO THE COMMISSION

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes

5 Yays 0 Nays 0 Abstain

Motion passes

7. Racial Equity

VP Stone briefly explained the discussion at the BOPEC meeting on this topic:

What ways are we considering diversity and inclusion, and how do we think about the policies and priorities of the communities that we serve? She also provided information on the progress she made on the Land Acknowledgment. A resolution is being drafted and will be presented on October 19, 2022. She would also like to incorporate pronouns on the website for all members of the Commission who wish to provide them.

President Jerdonek presented information on whether members of commissions can be compensated. He also mentioned that San Francisco's Charter does not permit members of the Elections Commission to be compensated. VP Stone wants this information to be a priority. Commissioner Dai followed up with the 311 database contact. The contact stated that they work with a third-party vendor and do not include race or ethnicity identification on the website.

Public Comment

David Pilpel suggested that if someone identifies with preferred pronouns, then that pronoun should be used in subsequent references to that person. He stated that providing parking, Muni, and technical devices could reduce barriers to serving on the commission in lieu of cash compensation.

Brent Turner stated that this issue is of the utmost importance.

Tes Welborn asked if other types of equity would be considered, for example for the LGBT+ community.

VP Stone moved to approve adding Commissioners' preferred pronouns to the Elections Commission website. Commissioner Dai seconded.

MOTION TO APPROVE ADDING PREFERRED PRONOUNS TO THE COMMISSION WEBSITE

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes

5 Yays 0 Nays 0 Abstain
Motion passes

8. Director's Report

Director Arntz gave an update on the distribution of ballots and the voter guide.

VP Stone and Commissioner LiVolsi asked Director Arntz how the Department receives responses from the public asking for a digital version of the Voter Information Pamphlet. He stated through emails.

Commissioner Bernholz asked Director Arntz if there is anything the Commission should be aware of regarding the Secretary of State (SOS) and VotingWorks for the open source voting pilot. Director Arntz stated there have been two monthly calls on this item. The main change VotingWorks is requesting of the State is to reduce the amount of information required to conduct a pilot program. President Jerdonek mentioned that a letter was provided.

Public Comment

David Pilpel commented that the Director's Report is comprehensive and appreciates the transparency.

Brent Turner asked if he could hear more in-depth information from Director Arntz regarding his thoughts on the conversation with the SOS, though not necessarily today.

Danielle Deibler cautioned on the use of open-source systems with the risk and potential of cyber threats, especially when it comes to voting. It might be beneficial to have someone with cybersecurity experience look for potential implications.

9. Commissioners' Reports

President Jerdonek reported:

- He is engaging with San Francisco's Digital Services Team, a department that is in the process of switching City websites to a new system.
- The California Secretary of State had their public hearing on pilot program regulations, and he was able to comment. The main concerns were—
 - The documentation required is currently burdensome, and
 - More flexibility is needed as far as when the software must be finalized prior to the election, to allow for feedback from the jurisdiction.
- VotingWorks will be doing a pilot for three jurisdictions in New Hampshire in November, after being approved.
- He created a brief document on the history of open source voting, and it was included in the packet.

VP Stone asked a question on the document that was included in the packet for this item.

Commissioner Dai suggested having a section on the Elections Commission website on key initiatives.

VP Stone shared updates regarding voter turnout and participation and Prisoner Legal Services.

Public Comment

David Pilpel made suggestions on the planned switchover for the Elections Commission website. He suggested maybe waiting until the election in November has passed.

Brent Turner gave a timeline of when open-source voting advocacy first began and the reason why it has dragged out for 23 years.

Danielle Deibler agreed that doing the website migration after the November election would be best and that it would be helpful to have commission initiatives on the website.

10. Agenda items for future meetings

- a) Diversity, Equity, Inclusion, Belonging, and Justice (DEIBJ)
- b) Redistricting Process Initiative
- c) Commission Secretary Evaluation

President Jerdonek suggested keeping topic items down to 30 minutes.

Public Comment

David Pilpel suggested including in the agenda a list of both standing items and other agenda items going forward to 3-6 months.

12. Redistricting Process Initiative

[This item was heard before Item 11.]

Commissioner Dai briefly explained the items included in the packet for this item and introduced the panel.

Commissioner Dai asked all participants to give one highlight and one lowlight of their time on the redistricting task force.

Gwenn Craig, former Chair, 2001-2002 Redistricting Task Force (RDTF):

Ms. Craig expressed having fond memories of the redistricting hearings, including the sincerity and passion of the residents. Lowlights came from working with the task force itself and the 5-4 votes.

Myong Leigh, former member, 2011-2012 RDTF:

Mr. Leigh stated that insightful comments from all quarters of the City helped to shape their thinking and noted that their task force was very collegial. The lowlight was the big time commitment.

Raynell Cooper, former member, 2021-2022 RDTF:

Mr. Cooper said his highlight was hearing from hundreds of San Franciscans about their communities. The lowlight was politics getting in the way of government.

Commissioner Dai asked all participants by whom they were appointed and whether they shared any differences in opportunities, qualifications, allegiances, or factions formed based on their appointing authority.

Mr. Cooper said he was appointed by the Elections Commission. He mentioned specific situations that occurred and that the mayoral appointees and the other 2 SFEC appointees tended to vote together.

Mr. Leigh was appointed by Mayor Ed Lee. He did not recall discernable patterns or influences to decisions.

Ms. Craig was appointed by the Elections Commission. She did notice differences, especially with the Mayor's appointees, who worked as a group and consistently voted as a block, along with a "holdover" appointed by the previous Elections Director (prior to the creation of the Elections Commission) who was aligned with the Mayor.

Commissioner Dai asked what basic qualifications they thought all RTF members should have and what the vetting process might look like.

Ms. Craig said residency in San Francisco is very important and that members should have lived here for a long time, but she struggles what the minimum time should be. They should previously have engaged in the civic life of our City.

Mr. Cooper mentioned being a San Francisco resident with a demonstrated interest in the civic well-being of the City. Could be more airing of past political proclivities, but he believes that it's possible to compartmentalize that.

Mr. Leigh said it is important not to impose a filter that is too restrictive so as not to disqualify appropriate candidates from being considered. He mentioned disclosing potential conflicts and asking candidates if they can be impartial, as in jury selection.

Commissioner Dai asked if they believed their task force was broadly representative of the City's diversity regardless of the diversity of the candidate pool. Why or why not? She also asked if an increase in the number of members would improve representation. Would a stipend or pay improve diversity?

Mr. Leigh stated he felt his task force was widely representative of San Francisco as a whole. A modest increase in the number of members would provide more opportunities to make sure a critical set of constituents is not overlooked or omitted.

Ms. Craig stated her task force was diverse. Having bodies of larger size would help, particularly for Asian and Latino representation. A stipend should be modest.

Mr. Cooper stated that his task force was diverse, except for geographically. Increasing the number of members would provide more diversity in ideas and geography. A stipend would be helpful and would be the right thing to do.

Commissioner Dai said that Common Cause recommended that San Francisco move to an open competitive selection process with protections against conflicts of interest. How do you think this would change future RDTFs if adopted?

Mr. Cooper stated that he thinks an open competitive process would be an excellent step forward. Even with the Elections Commission, it would have helped to have a better understanding of the criteria used to select candidates. The Board of Supervisors' and Mayoral processes were wholly opaque and that shouldn't be repeated. Adding a randomizing aspect such as in other cities like Oakland would be helpful for impartiality.

Ms. Craig responded by saying that an open competitive process might have helped.

Mr. Leigh stated it would not be detrimental. He did not feel that the lack of a competitive process hindered the effectiveness of the task force.

Commissioner Dai asked what training they wish they would have had more of before starting work.

Mr. Leigh stated they received the appropriate information and guidance.

Mr. Cooper stated he felt they had a good amount of training. He feels that having a better understanding of best practices in terms of interpreting and receiving public input would have helped. Having a schedule set when they started would have helped.

Ms. Craig responded by saying that having consultants during her first term [on the Elections Task Force] helped, but she felt unsupported on the RDTF where they had to figure out things on their own. They had an excellent consultant on the technical mapping aspects. Perhaps how to do outreach and proper advertising were lacking on the RDTF.

Commissioner Dai asked if more specific or rank-ordered criteria would have helped them to make better decisions in the line-drawing process. Why or why not? She also asked if they would propose any definitions of standard redistricting criteria, for example, what constitutes a community of interest (COI) or alternative criteria that San Francisco might consider to better design districts for fair and effective representation.

Ms. Craig stated she does not have too much experience on ranked criteria, but it is worthy of study so we can improve. Less political interference would have been helpful.. Need more input from non-traditional communities like the disabled or transgender communities.

Mr. Cooper stated it would have helped with more productive discussions. As it was, it was all left up to opinion, and we didn't have a common language. He feels the ranked standard criteria in the the Fair Maps Act probably would not have helped much without fleshing out how to deal with the conflicts and some way to weigh the different COIs.

Mr. Leigh stated they established criteria which they followed and were published in their report. He didn't remember if they were ranked. . They also published guidance for the public to define for the RDTF what and why their communities of interest should be respected.

Commissioner Dai asked how satisfied they were with operational processes? How satisfied were they with support? Commissioner Dai also asked them to comment on whether independent commissions should choose their staff, time frames, and deadlines.

Mr. Leigh referred to the report of the RDTF. The technical consultant had been identified and contracted in advance so the task force didn't have to take 4 weeks to learn contracting processes.. Would have helped to have a bench of community outreach consultants since they were faced with designing their approach while selecting one at the same time.. As for the deadlines, they started with concept of map

visualizations in December and started sharing draft maps in January. Did live line-drawing through April.

Mr. Cooper said either too much was assigned to the task force or there was not enough delegation. There should be dedicated staff from other departments focused on areas of their expertise such as outreach. Staff should be responsible for contracting, and it should be more public and transparent. Their RDTF did a map a month before a final deadline, but they should have started earlier. History says it needs to be in the Charter for an earlier deadline 2-3 months before final one and a firm start date a full year in advance.

Ms. Craig noted that Elections Task Force got to hire its own staff, and it worked out wonderfully. However, their RDTF was unsupported since the Elections Commission was itself just getting started. Assigned staff is quite necessary, but don't know if RDTF needs to select.

Commissioner Dai stated that it currently requires a simple majority to pass a map. Many other jurisdictions require a special majority or supermajority vote. Would requiring increased consensus have improved the process? Why or why not?

Ms. Craig stated that in their case it would not have improved their process. If it was a larger body, it might make a difference.

Mr. Cooper stated it would have made things more difficult. Paired with a different appointing process, it might be good.

Mr. Leigh stated he did not think it would have made a difference.

VP Stone welcomed any thoughts or feedback outside of the questions posed that they would like to share with the Commission. President Jerdonek thanked the panel.

Commissioner Dai stated that nothing currently prohibits the RDTF from having private meetings or discussions or public votes early in the morning. What could be done to increase transparency and the public's trust? Bans, rules, practices, structure?

Mr. Cooper said it comes back to the criteria and having to explain the decisions in public. A ban on communications is worth considering, but he wondered about enforcement methods and the ramifications for timely notification

Ms. Craig stated that starting early is essential due to unanticipated time delays. Many delays were centered around giving notice for meetings. Strict adherence to the Sunshine laws and open meeting laws has to be maintained.

Commissioner Dai stated task force members currently serve at the pleasure of their appointing authority. Under what circumstances should a member be removed and replaced. Should qualified alternates be selected?

Mr. Cooper agreed there should be alternates. Should have some sort of high standard of accountability for removal with due process.

Mr. Leigh read a portion of his RDTF's final report and indicated that future task forces should be allowed to work in tandem with the community. Alternates make sense.

Commissioner Dai thanked the panel and invited them to participate in future public hearings.

Public Comment

Danielle Deibler supports giving the RDTF a stipend or compensation otherwise you end up with people who can afford to spend the time and disenfranchising those who cannot. Some members would have done better with a better education on the Voting Rights Act and what a community of interest is. Ranked criteria would have been helpful. Choosing their own consultants and some method of quantitative analysis of public comment is necessary.

Fernando Martí, District 9 resident, appreciated the framing of the questions and noted that ensuring impartiality and adequate time for the public to see maps and comment is important.

David Pilpel suggested members of the body need more time to collaborate with others and should be representative of the population demographics, with no more than two from each current district.

Jen Tse of the League of Women Voters of San Francisco suggested reaching out to other jurisdictions who have comply with the Fair Maps Act.

Commissioner Dai noted the suggestion and announced that Commissioner LiVolsi had agreed to replace VP Stone to work with her in planning future Redistricting Initiative hearings.

11. Public Employee Appointment/Hiring: Director of Elections

Commissioner Dai moved to go into closed session. Seconded by Commissioner Bernholz.

Public Comment

Mr. Brent Turner stated that Director Arntz has served for a long time. He suggested it might be time for the Commission to consider other applicants along with Director Arntz.

David Pilpel stated he would not want to see any transition prior to certification of the November election.

MOTION TO GO INTO CLOSED SESSION

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes
5 Yays 0 Nays 0 Abstain	
Motion passes	

Closed session commenced at 9:22 p.m.

Present in closed session were President Jerdonek; Vice President Stone; Commissioner Bernholz; Commissioner Dai; Commissioner LiVolsi; DCA Flores; and Commission Secretary Delgadillo.

Open session resumed at 10:26 p.m.

President Jerdonek reported that no action was taken.

President Jerdonek moved that the Commission disclose no portion of the closed session discussion. Seconded by Commissioner Dai.

President Jerdonek	Yes
VP Stone	Yes
Commissioner Bernholz	Yes
Commissioner Dai	Yes
Commissioner LiVolsi	Yes

5 Yays 0 Nays 0 Abstain
Motion passes

Adjournment at 10:29 pm